

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

JERRY NUTT, )  
Plaintiff, ) Case No. 1:20-cv-2  
v. ) Judge Travis R. McDonough  
SONNY SMART, DAN RAWLS, and ) Magistrate Judge Christopher H. Steger  
SAMMY GARNER, )  
Defendants. )

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**ORDER**

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On February 23, 2021, Magistrate Judge Christopher H. Steger filed his report and recommendation (Doc. 44) pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Steger recommends that the Court: (1) grant Plaintiff's motion for default judgment as to Defendants Sonny Smart and Dan Rawls (Doc. 39); (2) award Plaintiff \$222,855.81 in damages against Defendant Smart; (3) award Plaintiff \$54,158.86 in damages against Defendant Rawls; (4) award post-judgment interest under 28 U.S.C. § 1961(a); and (5) deny Plaintiff's request for attorney's fees without prejudice and with leave to refile within thirty days. (*See* Doc. 44, at 14–15.) No party objected to Magistrate Judge Steger's recommendation.<sup>1</sup> Nevertheless, the Court has conducted a review of the report and

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<sup>1</sup> Magistrate Judge Steger specifically advised the parties that they had fourteen days in which to object to the report and recommendation and that failure to do so would waive any right to appeal. (Doc. 44, at 15 n.4); *see* Fed. R. Civ. P. 72(b)(2); *see also Thomas v. Arn*, 474 U.S. 140, 148–51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”). Even taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which the parties could timely file any objections has now expired.

recommendation, as well as the record, and it agrees with Magistrate Judge Steger's well-reasoned conclusions.

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Steger's report and recommendation (Doc. 44, at 14–15.). Plaintiff's motion for default judgment (Doc. 39) is **GRANTED**. Plaintiff is **AWARDED** damages of \$222,855.81 against Defendant Smart. Plaintiff is **AWARDED** damages of \$54,158.86 against Defendant Rawls. Plaintiff is **AWARDED** post-judgment interest under 28 U.S.C. § 1961(a). Plaintiff's request for attorney's fees is **DENIED** without prejudice and with leave to refile within thirty days. An appropriate judgment will enter when this case is fully resolved.

**SO ORDERED.**

/s/ *Travis R. McDonough*

**TRAVIS R. MCDONOUGH**  
**UNITED STATES DISTRICT JUDGE**